

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

D&T ADVISORS, LLC

v.

NEIL S. WATERMAN

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CIVIL ACTION NO. 3:22-CV-399-S-BT

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation (“FCR”) in this case [ECF No. 22]. Despite prevailing, Defendant filed an Objection to and Motion for Clarification Regarding Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Objection” and “Motion for Clarification,” respectively) [ECF No. 29].

Defendant’s Objection and Motion for Clarification question the accuracy of certain portions of the factual background set forth in the FCR. The Objection is noted for the record, however the Court declines to rule on the Motion for Clarification because it does not affect whether Plaintiff should be awarded preliminary injunctive relief, the only question before the Court at this time. Moreover, “findings of fact and conclusions of law made by a court [considering] a preliminary injunction are not binding at trial on the merits” and “may be challenged at a later stage of the proceedings.” *Jonibach Management Trust v. Wartburg Enters., Inc.*, 750 F.3d 486, 491 (5th Cir. 2014) (citations and internal quotation marks omitted).

The District Court has reviewed *de novo* those portions of the FCR to which objection was made and reviewed the remaining portions of the FCR for plain error. Finding no error, the

Court **ACCEPTS** the FCR. Plaintiff's emergency motion for preliminary injunctive relief [ECF.

No. 7] is therefore **DENIED**.

SO ORDERED.

SIGNED April 14, 2022.


UNITED STATES DISTRICT JUDGE